

local decision made by those sovereign states to protect their citizens from a lethal pandemic by permitting voting by mail.

The Supreme Court summarily rejected this latest lawsuit, finding that petitioners lacked standing to bring their specious arguments.

Madam Speaker, it defies belief that persons claiming to revere the 10th Amendment and federalism would have taken this action that makes a mockery of their core beliefs and is so inconsistent with the bedrock principle that in America, it is "We, the People" who choose our leaders; leaders do not choose their voters.

The principle behind this most frivolous of lawsuits would allow the absurd result of California suing Texas for not expanding Medicaid, New York suing Mississippi for the way it runs its penal system, Illinois suing North Carolina for gerrymandering election districts, and Minnesota suing Alabama over its school funding mechanism.

This latest Republican led and Trump-inspired law suit, like the preceding 50, was not grounded in reality so it is useful to describe what the Constitution and the law prescribe regarding the process for electing a president.

First, it must be emphasized that while November 3 was Election Day throughout the nation, it was not a national election but a series of discreet and separate elections held in each state and District of Columbia to choose the persons who under the 12th Amendment are to meet six weeks later to cast the votes to elect the President and Vice-President.

The result of those elections was that Joe Biden was the leading vote-getter in more states with more people by larger margins than Donald Trump.

In fact, the latest tally of all votes cast shows Joe Biden has received more votes, 81.2 million, than anyone in history, outdistancing his vanquished rival by an astounding 7 million votes.

Second, the next important date in the electoral process is today, December 14, which is the first Monday after the second Wednesday and the date set by federal law, when the men and women chosen by the voters of their respective states gather in the several state capitals to cast their votes for President and Vice-President.

While there are a number of events yet to take place that are required by the Constitution and our laws, it is beyond any reasonable dispute what the culmination of these events will yield: an announcement on January 6, 2021 at a Joint Meeting of the Congress in the House of Representatives, by the President of the Senate, MIKE PENCE, to the nation and the world that Joseph R. Biden is elected as the 46th President and that KAMALA D. HARRIS is elected the 49th Vice-President of the United States.

While this meeting is popularly known as the Electoral College, it should be noted that this particular term is nowhere mentioned in the Constitution itself.

Instead, the Electoral College should properly be understood as a process, not a place, for electing the President and the Vice-President.

In every state, this process begins with the nomination by the state's political parties of candidates for the position of presidential elector.

Next, is the ascertainment of which slate of candidates were selected to be the electors,

which in every state is determined by the outcome of the presidential election held on the first Tuesday after the first Monday in the preceding November.

After the electors have been ascertained, they are provided a writ of election by the state governor directing them to assemble in the state capital at a time specified on the first Monday after the second Wednesday in December to cast their votes for separately President and Vice-President.

Any judicial disputes regarding the appointment of electors that are decided in accordance with state laws in place before the election at least six days in advance of the meeting are conclusive are conclusive as to the validity of the appointment.

Thirty-one states and the District of Columbia by law require electors to cast their votes for the candidate of the political party that nominated them and most of the rest require the elector to sign a pledge committing him or her to do so, but again, since electors are typically faithful members or workers of the political party that nominated them, such pledges merely state the obvious.

As I speak, all 50 states and the District of Columbia have certified the results of the presidential election, and since this was done at least six days before the meeting of electors, under Section 5 of the Electoral College Act, 3 U.S.C. 1 et seq., it is conclusive on the issue of whether the electors in those states were "lawfully certified."

The Certificates of Ascertainment appointing the electors transmitted to the National Archivist and the President of the Senate will document that enough candidates nominated by his party were elected to cast at minimum 306 electoral votes for Joe Biden and KAMALA HARRIS to be elected President and Vice-President of the United States, which is 36 more than the needed 270 vote majority.

Put another way, Joe Biden is slated to receive the exact number of electoral votes that were deemed to constitute a landslide, blow-out, historic triumph by the current President just four short years ago.

Third and finally, after the electors meet in the various state capitals next Monday, they will transmit their Certificates of Vote to the National Archivist where they will remain until opened on January 6, 2021 by Vice-President PENCE and counted in public before a Joint Meeting of the Congress.

When all the votes are tabulated, the Vice-President will then announce and make official what we all know right to be true: Joe Biden has been elected the 46th President of the United States and KAMALA HARRIS has been elected the 49th Vice-President and President of the Senate.

Two weeks later on January 20, at noon, on the steps of the West Front of the U.S. Capitol, Joe Biden will be inaugurated and will enter office after taking the oath in which he will solemnly affirm that he "will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

This outcome is not in doubt and no amount of suspending disbelief will make it so.

It is all over but the shouting—and the public counting of the electoral ballots in the Joint Meeting of the Congress on January 6, 2021.

The center holds and the system is working as the Framers envisioned it.

We can all celebrate that.

#### REMEMBERING ERVIN JULIAN

#### HON. DEBBIE LESKO

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 14, 2020*

Mrs. LESKO. Madam Speaker, I rise today to congratulate Evie Nguyen of Glendale, Arizona, on winning the 2020 Congressional Art Competition for Arizona's 8th Congressional District.

Evie's artwork, completed in charcoal and titled "Mutual," highlights the close relationship between humans and nature by showcasing herself with a Cactus Wren, Arizona's state bird.

Evie was a senior at Deer Valley High School when the artwork was completed. Her art is currently being displayed in the U.S. Capitol along with the other Congressional Art Competition winners from around the country.

Each spring, I am proud to host the Congressional Art Competition to showcase the incredibly talented students across Arizona's 8th Congressional District.

It is an honor to represent these promising young artists in Congress.

#### IN HONOR OF JESS "JAY" BENTON

#### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 14, 2020*

Ms. SPEIER. Madam Speaker, I rise today to recognize Jess "Jay" Benton as he departs the Hillsborough Town Council. Jay is deeply committed to serving his country and his community.

During the Vietnam War, Jay served as an officer on the USS *Lowe*, a destroyer escort. He is a graduate of the University of Southern California and is a big Trojans fan. He currently serves on the Board of Leaders at the University of Southern California Marshall School of Business.

He worked for 35 years for ABM Industries and retired as the Chief Operating Officer. In 2003, he was appointed Co-Chairman of the Expert Review Committee for the California Business, Transportation and Housing Agency and in 2004 he was appointed by Governor Schwarzenegger to the California Performance Review Commission. For several years he also served on the Town of Hillsborough's financial advisory board which, as a practical matter, offers the expert advice of global financial investors to the city council.

Prior to public service, his volunteer work included serving on the Board of Directors of the YMCA of San Francisco, as Chairman, and on the boards of Broadway by the Bay and the Hillsborough Schools Foundation. Clearly, Jay Benton is a man who relishes the challenge of responsibility.

His leap into the role of officeholder occurred when he was appointed to the city council in 2008 and solidified when he was elected in 2010. Since then, he's served three terms and as Mayor from December 2012 to December 2014. He's also been Hillsborough's member on the Central County